

10/22/01
J1051 U.S. PTO

PATENT
ATTORNEY DOCKET NO.: 040808-5078-01

J0971 U.S. PTO
09/982834
10/22/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

PRIOR APPLICATION: Examiner: B. Tran
Group Art Unit: 1765

**DIVISIONAL PATENT APPLICATION TRANSMITTAL
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a [] Continuation [X] Divisional [] Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/257,296, filed on February 25, 1999, of:

Inventor(s): Shigeru SAKUMA et al.

For: **MANUFACTURING METHOD FOR CALCIUM FLUORIDE AND CALCIUM FLOURIDE FOR PHOTOLITHOGRAPHY**

2. The papers enclosed are as follows:

<u>56</u>	Page(s) of specification including
<u>1</u>	Title Page
<u>12</u>	Page(s) of claims
<u>1</u>	Page of abstract
<u>6</u>	Sheet(s) of drawings containing <u>6</u> Figures

3. Amendments

[X] **Cancel in this application original claims 17-19 and 40-42 and amend claims 1, 9, 20, 21, 22, 26, and 33 in the enclosed copy of prior application before calculating the filing fee.**

[X] A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

09/982834 "102201"

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:

“This is a ☐ continuation ☒ divisional ☐ continuation-in-part of copending application(s)

☒ Application No. 09/257,296, filed on February 25, 1999.”

☐ International Application No. _____ filed on _____ and which designated the U.S.”

6. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application(s) is/are claimed:

Country	Application No.	Filed
Japan	10-045541	February 26, 1998
Japan	10-046481	February 27, 1998

Certified copy(ies): ☐ is/are attached.

☐ will follow.

☒ was/were filed in prior U.S. Application No. 09/257,296 on February 25, 1999.

7. Assignment

For continuation or divisional applications:

☒ The prior application is assigned of record to Nikon Corporation recorded July 1, 1999 at Reel/Frame 010112/0404.

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$740.00 Design \$330.00
Total Claims (37 C.F.R. § 1.16(c))	36-20	16	\$ 18.00 each =	+ \$ 288.00
Independent Claims (37 C.F.R. § 1.16(b))	8-3	5	\$ 84.00 each =	+ \$ 420.00
Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d))			\$280.00	+ \$
SUB-TOTAL =				\$ 1448.00
Reduction by ½ for filing by a small entity				- \$
TOTAL FILING FEE =				\$ 1448.00

9. Fee Payment

☐ **Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☒ **Enclosed.**

A check in the amount of \$ 1448.00 to cover the filing fee and total claims is enclosed.

☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

10. Small Entity Status is claimed and

- ☐ a statement claiming small entity status is enclosed, or
- ☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The current power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

12. ☐ Recognize as associate attorney

(name, address, and registration no.)

13. ☒ **PETITION FOR EXTENSION OF TIME**. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/257,296, filed February 25, 1999, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

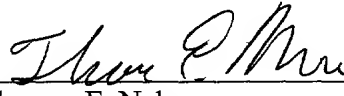
15. Additional papers enclosed:

- ☒ Information Disclosure Statement
- ☒ Form PTO-1449
- ☒ Preliminary Amendment
- ☒ Copy Verified Translation of Foreign Priority Document Filed in Parent Application on February 25, 1999.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Thomas E. Nelson
Reg. No. 42,030

Dated: October 22, 2001

MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036-5869
202-467-7000

STATEMENT OF TRANSLATION ACCURACY

I, the below named undersigned, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the Japanese language and believe the attached English translation to be an accurate translation of Japanese Patent Application Nos 10-045541 filed in Japan on February 26, 1998 and 10-046481, filed in Japan on February 27, 1998.

Full name of the undersigned: Aki Ando

Post Office Address: 132 Pelton Ave.

Staten Is, NY 10310

Signature of the undersigned: Aki Ando

Date: 12/28/98